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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MIYOKO'S KITCHEN,

*Plaintiff,*

v.

KAREN ROSS, in her official capacity  
as Secretary of the California  
Department of Food and Agriculture,  
and STEPHEN BEAM, in his official  
capacity as Branch Chief of the Milk and  
Dairy Food Safety Branch,

*Defendants.*

Case No. 3:20-cv-00893-RS

**FINAL JUDGMENT**

The Honorable Richard Seeborg

1 In accordance with the Court's order granting in part and denying in part the parties' cross-  
2 motions for summary judgment, dated August 10, 2021 (ECF No. 73), and Rule 58(b)(2)(B) of the  
3 Federal Rules of Civil Procedure, it is ORDERED, ADJUDGED, and DECREED as follows:

4 1. Final judgment is entered for Plaintiff Miyoko's Kitchen and against Defendants on  
5 Miyoko's claim for relief under the First Amendment.

6 2. Miyoko's request for declaratory relief in its Complaint is granted and the Court hereby  
7 declares that Defendants' efforts to restrict Miyoko's constitutionally protected speech—including the  
8 terms "butter," "lactose free," "cruelty free," "revolutionizing dairy with plants," and related terms and  
9 phrases, as reflected in Defendants' December 9, 2019 enforcement action and letter—violated the  
10 First Amendment of the United States Constitution. The Court does not find that the phrase  
11 "Hormone Free" on the package was constitutionally protected speech, and concludes that Miyoko's  
12 allegations concerning the website are moot. (*See* ECF No. 73).

13 3. The following injunctive relief is entered in favor of Miyoko's: Defendants and their  
14 officers, agents, employees, representatives, and all persons acting in concert or participating with the  
15 foregoing, including the Defendants' successors as officials of the California Department of Food and  
16 Agriculture, and its Milk and Dairy Food Safety Branch, are hereby permanently restrained and  
17 enjoined from threatening enforcement or taking any enforcement action against Miyoko's for labeling,  
18 marketing, or branding materials using the terms "butter," "lactose free," "cruelty free," and  
19 "revolutionizing dairy with plants" for dairy product alternatives identified as plant-based (*e.g.*, "vegan,"  
20 "made from plants," etc.).

21 4. Any ambiguity in this Judgment shall be construed to accord with this Court's orders  
22 (A) denying Defendants' Motion to Dismiss (ECF No. 33), (B) granting Plaintiff's Motion for  
23 Preliminary Injunction (ECF No. 46), and (C) granting in part and denying in part the parties' cross-  
24 motions for summary judgment, dated August 10, 2021 (ECF No. 73).

25 5. Miyoko's may file a motion to recover its reasonable attorneys' fees and costs pursuant  
26 to Civil Local Rule 54-5. The parties may choose to stipulate to enlarge the time for filing this motion  
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1 under Civil Local Rule 6-2 in the interest of resolving the matter of fees and costs without this Court's  
2 intervention.

3 6. This Court shall retain jurisdiction to enforce and supervise this judgment.

4 7. The Clerk shall enter judgment in favor of Miyoko's

5 IT IS SO ORDERED.

6 Dated: April 1, 2022

7   
8 RICHARD SEEBORG  
9 CHIEF U.S. DISTRICT JUDGE

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28 *Prepared jointly by counsel for all parties*